



City Council
Atlanta, Georgia

01-0 -1102

AN ORDINANCE
BY: ZONING COMMITTEE

U-01-31
Date filed: 6-12-01

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1. Under the provisions of Section 16-06.005(1)(c) of the Zoning Ordinance of the City of Atlanta, a Special Use Permit for a church is hereby approved. Said use is granted to Ebenezer SDA Church and is to be located at 851 Constitution Road, SE to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 27 of the 14th District of Fulton County, Georgia, being more particularly described by the attached legal description.

SECTION 2. That this amendment is approved under the provisions of Section 16-25.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Special Use Permits, Procedural Requirements," and the Director, Bureau of Buildings, shall issue a building permit only in compliance with the applicable provisions of this part. The applicable conditional site plan and any other conditions hereby imposed are enumerated by attachment. The Special Use Permit hereby approved does not authorize the violation of any zoning district regulations. District regulation variance can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That all ordinances or parts of ordinances that are in conflict with the terms of this ordinance are hereby repealed.

A true copy,

Rhonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

SEP 17, 2001

SEP 26, 2001



Conditions for U-0-31

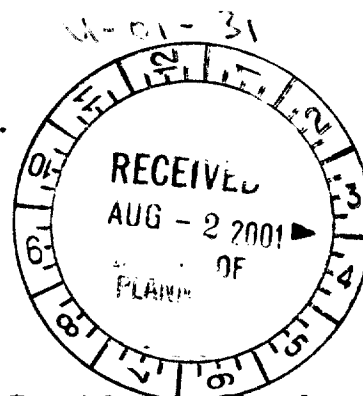
1. Site plan titled, "Eben-Ezer French Church", by The Acme Group, dated June 12, 2001, stamped as received by the Bureau of Planning on June 12, 2001.
2. The parking lots at the corner of Constitution Road and Forrest Park Road shall be separated.
3. The front yard and the ½ depth front yard shall be landscaped to shield the parking, subject to approval by the Bureau of Planning.
4. A tree save/replacement plan shall be submitted for approval to the City Arborist.
5. The attached private agreement identified as Exhibit A, is hereby attached for informational purposes. Items 5 and 6 only shall be considered conditions of this Special Use Permit and shall be enforced as such.

Rebel Forest Neighborhood Task Force Inc.

215 Lakewood Way SE
Atlanta, Georgia 30315

Ph. (404) 228-1428

Fax (404) 228-2576



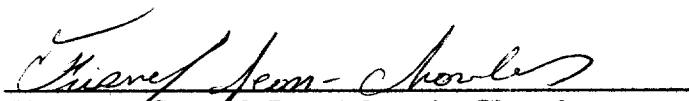
To: Neighborhood Planning Unit-Z

Re: Agreement between Rebel Forest/ and Eben-ezer Seventh Day Adventist Church

July 23, 2001

This agreement between the Rebel Forest neighborhood and Eben-ezer Seventh Day Adventist Church, concerning the property located at 851 Constitution Rd. All parties agree to the following conditions:

- 1. There will be no clear cut of trees**
- 2. Eben-ezer will make every effort to go beyond the local ordinance requirements to save as many trees as possible.**
- 3. Eben-ezer agree that they will use this site for a church only, Eben-ezer also agrees if they do not begin construction in 1 year, this property will revert back to it's original zoning of R4 single family residential.**
- 4. Eben-ezer will continue their policy of outreach to the community**
- 5. This will not be a gated community, if the church decide to install a fence at a later date the community ask to be involved and have input in that decision.**
- 6. Eben-ezer will identify and make every effort to solve all environmental issues before and during construction. (run-off from trucking company site, soil contamination,...)**


Eben-ezer Seventh Day Adventist Church


Ruthie Walls-President- Rebel Forest Neighborhood Task Force Inc.

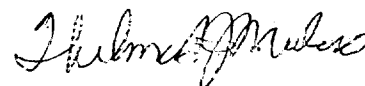
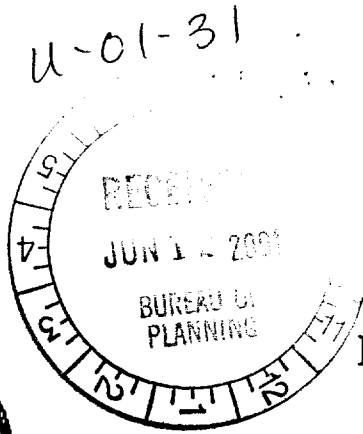


Exhibit A



GEORGIA, FULTON COUNTY
FILED AND RECORDED

92 DEC 31 AM 10:37

JUANITA HICKS
CLERK, SUPERIOR COURT

EXECUTOR'S DEED

STATE OF GEORGIA County of Fulton

THIS INDENTURE, made this 3rd day of December, in the year of our Lord One Thousand Nine Hundred and Ninety-two, between DOROTHY PHILLIPS PAPANDREA of the County of Cobb and State of Georgia, as Executrix of the last Will and Testament of JESSE HARRIS PHILLIPS, hereinafter referred to as GRANTOR, and DOROTHY PHILLIPS PAPANDREA of the County of Cobb and State of Georgia, as Trustee of the JESSE HARRIS PHILLIPS Testamentary Trust, hereinafter referred to as GRANTEE.

W I T N E S S E T H:

- (a) That the GRANTOR is the duly qualified and acting Executrix of the last Will and Testament of JESSE HARRIS PHILLIPS, late of Henry County, Georgia, who died on July 22, 1989, seized and possessed of the property hereinafter described, as well as other property.
- (b) Said Will was probated in solemn form and admitted to record in Henry County, Georgia, on October 55, 1989.
- (c) In Item IX of said Will, JESSE HARRIS PHILLIPS willed, bequeathed and devised the hereinafter described property to his Trustee, DOROTHY PHILLIPS PAPANDREA.
- (d) That the said Executrix of said estate being duly authorized to convey the hereinafter described property to said Trustee, does convey the hereinafter described property to said Trustee by virtue of the power granted her in said Will and subsequent Letters Testamentary, to-wit:

All that tract or parcel of land lying and being in Land Lot 27 of the 14th District of Fulton County, Georgia and being more particularly described as follows:

BEGINNING at the point formed by the intersection of the center line of Constitution Road and the east line of Land Lot 27 same being the center line of Forest Park Road and running thence south along said land lot line a distance of 786 feet to a point; thence running west a distance of 65 feet to the center line of a creek; thence running northwesterly and following the center line of said creek a distance of 950 feet, more or less, to its intersection with the center line of Constitution Road; thence running east along said center line a distance of 616 feet to the Point of Beginning, same being Lot 14 of the J. T. Williams Property as shown on plat recorded in Plat Book 8, page 107, Fulton County, Records, LESS AND EXCEPT the following property:

1. That portion of the above described property within the right of way of Constitution Road and Forest Park Drive.
2. The property conveyed by John Zack Phillips to the City of Atlanta By deed Dated November 7, 1954, in Deed Book 2944, Page 425, Fulton County Records.

Fulton County, Georgia
Real Estate Transfer Tax

Paid \$

Date

12/31/92

JUANITA HICKS
Clerk, Superior Court

By:

BOOK 16159 PG 229

Mel S. Mc

Deputy Clerk

RCS# 3112
9/17/01
6:16 PM

Atlanta City Council

Regular Session

MULTIPLE

01-O-0899; 01-O-1100; 01-O-0906;
01-O-1102; 01-O-1103

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

NV McCarty	Y Dorsey	Y Moore	NV Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

MULTIPLE

01-0-1102

(Do Not Write Above This Line)

AN ORDINANCE U-01-31

BY: ZONING COMMITTEE

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A CHURCH (SECTION 16-06.005 (1)(c)), PROPERTY LOCATED AT 851 CONSTITUTION ROAD, SE FRONTING 565.15 FEET ON THE SOUTH SIDE OF CONSTITUTION ROAD BEGINNING AT THE SOUTHWEST CORNER OF FORREST PARK ROAD. DEPTH: VARIES. AREA: 5.56 ACRES. LAND LOT 27, 14th DISTRICT, FULTON COUNTY, GEORGIA. OWNER: DOROTHY PHILLIPS PAPANDREA APPLICANT: EBENEZER SDA CHURCH

NPU "Z" COUNCIL DISTRICT 1

ADOPTED BY
SEP 17 2001

COUNCIL

- ☐ **CONSENT REFER**
☒ **REGULAR REPORT REFER**
☐ **ADVERTISE & REFER**
☐ **1st ADOPT 2nd READ & REFER**

Date Referred 7/16/01

Referred To: ZRB & Zoning

First Reading

Committee

Date

Chair

Committee

Date

Chair

Actions:

Fav, Adv, Held (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Actions:

Fav, Adv, Held (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Committee

Date

Chair

Actions:

Fav, Adv, Held (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Actions:

Fav, Adv, Held (see rev. side)

Other:

Members

Refer To

COUNCIL ACTION

☐ 2nd

Readings

☐ 1st & 2nd☐ 3rd☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED

SEP 17 2001

ATLANTA CITY COUNCIL PRESIDENT

Richard A. Parker

CERTIFIED

SEP 17 2001

Ruth Douglas Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

SEP 26 2001

WITHOUT SIGNATURE
BY OPERATION OF LAW